

**SUBJECT:** Making appropriations to governor, state agencies for border security

**COMMITTEE:** Appropriations — favorable, without amendment

**VOTE:** 14 ayes — Bonnen, Ashby, C. Bell, Capriglione, Dean, Gates, Holland, Morrison, Raney, Schaefer, Stucky, E. Thompson, VanDeaver, Wilson

8 nays — M. González, Dominguez, Howard, A. Johnson, Julie Johnson, Rose, Walle, Zwiener

5 absent — Jarvis Johnson, Minjarez, Sherman, Toth, Wu

**WITNESSES:** For — Benny Martinez, Brooks County Sheriff's Office; Roy Boyd, Goliad County Sheriff's Office; Danny Dominguez, Presidio County Sheriff's Office; AJ Louderback, Sheriffs Association of Texas; Joe Frank Martinez, Val Verde County Sheriff; Eusevio Salinas Jr., Zavala County Sheriff's Office; Hans Haakman; (*Registered, but did not testify*: Charles Maley, South Texans Property Rights Association; Raymundo Del Bosque Jr., Zapata County Sheriff's Office; Destiny Hallman; Thomas Parkinson)

Against — Eva DeLuna Castro, Every Texan; Alicia Torres, Grassroots Leadership; Amanda Woog, Texas Fair Defense Project; Kathryn Dyer; (*Registered, but did not testify*: Matt Simpson, ACLU of Texas; Ananas Khogali-Mustafa, Deeds Not Words; Carisa Lopez, Texas Freedom Network; Beaman Floyd, Texas Impact; Nicholas Basha and Isabel Herrera, Texas Rising; Stephanie Gharakhanian, Workers Defense Action Fund; and 12 individuals.)

On — David Slayton, Office of Court Administration; Sarah Hicks, Office of the Governor; Tom Krampitz, Texas Border Prosecution Unit; Brandon Wood, Texas Commission on Jail Standards; Bryan Collier, Texas Department of Criminal Justice; Steve McCraw, Texas Department of Public Safety; Nim Kidd, Texas Division of Emergency Management; Rodney Kelley and Tracy Norris, Texas Military Department; (*Registered, but did not testify*: Donna Sheppard, Department of State Health Services;

Aimee Snoddy, Office of the Governor; Cyrus Reed, Lone Star Chapter Sierra Club; Brian Barth, Texas Department of Transportation; Mike Novak, Texas Facilities Commission)

**DIGEST:** HB 9 would appropriate \$1.8 billion in general revenue to seven state entities for border security efforts.

**Grants for physical barriers, local efforts.** HB 9 would appropriate \$1 billion to the Trusteed Programs within the Office of the Governor for border security operations through border security grants.

The Trusteed Programs also would receive an additional \$3.8 million in funding for 27 full-time equivalents (FTEs) for training for district and county attorneys on the handling of misdemeanor crimes.

**Law enforcement.** The bill would appropriate about \$301 million to the Texas Military Department for additional personnel to support border security operations.

The Department of Public Safety would receive:

- \$133.5 million for 52 weeks of Operation Lone Star surge costs incurred during the two-year period beginning on the bill's effective date;
- \$3.4 million to purchase tactical marine unit vessels; and
- \$17.9 million for 79 additional full-time FTEs.

**Correctional security operations, jail standards.** HB 9 would appropriate to the Texas Department of Criminal Justice \$273.7 million for correctional security operations.

The bill would appropriate \$214,785 to pay an additional three FTEs at the Commission on Jail Standards and for overtime compensation and travel expenses.

**Legal system.** HB 9 would appropriate about \$32.5 million to the Office

of Court Administration for indigent legal representation, foreign language interpreters for courts, staff, equipment, and administrative costs. The bill would authorize six FTEs for the agency.

**Health services.** The bill would appropriate about \$5.5 million to the Department of State Health Services to purchase two ambulances, and an additional \$10.9 million to purchase ambulances to use at two border security processing centers.

The bill would take effect immediately, and the appropriations would be for the two-year period beginning on the bill's effective date.

**SUPPORTERS  
SAY:**

HB 9 would address the crisis at the Texas-Mexico border by supporting state agencies and local governments working to protect Texans and their property. Texas currently is experiencing unprecedented challenges with an extraordinarily high volume of migrants trying to cross the border into the state illegally, as well as drugs and weapons trafficking, human trafficking, and other crimes. Accompanying these crimes are private property damage, threats to private property owners, strains on law enforcement resources, and public health risks related to COVID-19.

Funding in HB 9 would allow the heightened border security efforts the governor launched earlier this year to continue and expand, making Texans safer by securing the international border. While legal immigration and the legal commerce and cultural relationships with Mexico should be supported, the current illegal activities are endangering Texans throughout the state. It is incumbent on the state to take actions because federal officials are not addressing these problems in a way that protects Texans.

HB 9 would continue the state's commitment to making Texas safer through border security, which benefits all Texans. The seriousness and scale of these problems warrant HB 9's investment in physical barriers, law enforcement efforts, and the legal and criminal justice systems.

**Grants for physical barriers, local efforts.** HB 9 would provide the

Trusted Office of the Governor with grant funding because it is the most effective way to address the fluid situation on the border. Giving the governor grant funds would allow the state the flexibility to efficiently respond to changing needs and to deploy state resources to enforce state and federal laws.

About \$750 million in grant funding from HB 9 could be allocated to further efforts the governor announced in June to secure the border and keep Texans safe by building a wall or other structures on the border. This would help address current problems and provide a long-term solution to them.

About \$100 million from HB 9 could be allocated to local law enforcement agencies dealing with the current crisis. The governor's office has been working with local authorities to identify their needs, and HB 9 would allow significant funding to flow to those working daily to address serious problems including crime, jail crowding, a large increase in deceased bodies being found, and humanitarian needs.

The funding in HB 9 also would be used by the governor's office to support up to three intake centers and jails for immigrants who were arrested as part of border security efforts.

**Law enforcement.** HB 9 would support increased law enforcement efforts on the border, including those authorized by the governor's May 2021 disaster declaration. Under the declaration, the governor directed the Department of Public Safety (DPS) to enforce federal and state laws to prevent criminal activity along the border, including criminal trespassing, smuggling, and human trafficking and to help Texas counties.

As part of these efforts, the Texas Military Department (TMD) has been providing crucial support to DPS, and HB 9 would allow those efforts to continue and expand. Currently, TMD has about 700 national guard members assisting DPS with enforcing state criminal laws and helping construct barriers, and HB 9 would provide funding to increase this assistance to about 2,500 personnel.

The bill's appropriation to DPS would fund 52 weeks of surge operations associated with Operation Lone Star, which the governor launched in March 2021. The operation involves about 1,000 DPS troopers, agents, and rangers helping secure the border and fighting the serious crimes tied to the illegal drug trade, human smuggling, and human trafficking. Enforcing all criminal laws, including trespassing, supplements federal immigration enforcement and can deter others from crossing the border illegally, especially if those crossing are faced with jail time and being turned over to immigration officials. These efforts also would help officials know who had entered Texas and help identify those who could be dangerous. Texans living on the border — like all Texans — deserve justice and safety and to live where criminal laws are enforced.

DPS also would receive funding for marine vessels and additional intelligence operations and support to further its border law enforcement efforts. Additional funds for the governor's Trusteed Programs would go to the Border Prosecution Unit to train law enforcement officers on handling border crimes to ensure that cases were handled properly.

**Correctional security operations, jail standards.** HB 9 would give TDCJ funds for converting and operating one of its facilities as a jail for migrants who had been arrested on state charges and for converting two other units if necessary. The bill also would return to the agency funds that were moved from its budget earlier this year so that construction on the border wall could begin.

**Legal system.** The bill would support the legal system needed to handle the influx of migrants by providing the Office of Court Administration with funding for visiting judges, court interpreters, lawyers for indigent defendants, staff, and other costs. Without this funding, the legal system on the border would be unable to handle the current crisis caused by the large influx of migrants.

**Health services.** HB 9 also would recognize the increased need for health resources resulting from the influx of migrants by appropriating funds for

ambulance services for new legal processing centers and jail facilities.

**CRITICS  
SAY:**

Texas should not continue to increase what is already a high level of spending on border security, especially when other areas of state responsibility need funding, including education, the energy grid, community care aides, healthcare, addressing the pandemic, and more.

The bulk of spending in HB 9 would take the wrong approach by prioritizing physical structures and barriers over giving funds to local law enforcement entities and others who have pressing needs for resources and assistance on the border. Technology, rather than physical barriers, also should be explored.

HB 9 would pour a large amount of state funds into what so far largely has been an effort to arrest and prosecute trespassers, and it is unclear that these efforts would deter border crossing from those desperate to escape violence or other grave situations. Instead of using state funds to channel economic migrants or those who may be trying to reach immigration authorities into the state criminal justice system, funds should be used on proven strategies to combat serious felony and drug crimes.

Supplying an additional \$1.8 billion on top of the \$1.1 billion in border security spending already appropriated for fiscal 2022-23 would be unsustainable or come at the later price of raising taxes or cutting spending in important areas of the budget, such as health care or education.

**NOTES:**

According to the Legislative Budget Board, HB 9 would have a negative impact of \$1.8 billion to general revenue through fiscal 2023. It also would authorize an increase of 115 state employees.